



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

August 29, 1994

The Honorable Jon G. Lotis  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900  
401 M Street, S.W.  
Washington, D.C. 20460

Re: Marion Steel Company, Marion, Ohio,  
Docket No. TSCA-V-C-87-93.

Dear Judge Lotis:

Enclosed please find a copy of Complainant's Motion to Amend the Complaint for this civil administrative action.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery M. Trevino".

Jeffery M. Trevino  
Assistant Regional Counsel

Enclosure

cc: Stephen M. Samuels  
Samuels & Northrop Company, LPA  
Suite 816  
180 East Broad Street  
Columbus, Ohio.



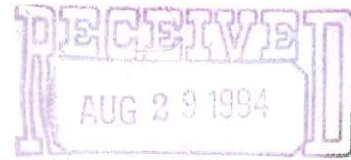
Printed on Recycled Paper

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of	)	Docket No. TSCA-V-C-87-93.
	)	Judge Lotis
Marion Steel Company (The),	)	
	)	
Respondent.	)	

COMPLAINANT'S MOTION  
TO AMEND THE COMPLAINT



REGIONAL HEARING CLERK  
U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Complainant, the Director, Environmental Sciences Division, Region 5, United States Environmental Protection Agency, ("U.S. EPA"), by and through her attorney, Jeffery M. Trevino, Assistant Regional Counsel, hereby moves to amend its Complaint, as appropriate, pursuant to Section 22.14(e) of the Consolidated Rules of Practice, 40 C.F.R. § 22.14(e), for the following reasons:

1. Count VI of the Complaint alleges that the Respondent is a generator of PCB waste who first engaged in PCB waste handling activities after February 5, 1990, but failed to notify EPA of its PCB waste handling activities by filing EPA Form 7710-53 with EPA prior to engaging in PCB waste handling activities, in violation of 40 C.F.R. § 761.205(a)(2), and Section 15 of TSCA, 15 U.S.C. § 2614.

2. However, the Respondent's Answer, and further research by Complainant, demonstrate that the Respondent previously

notified U.S. EPA and the State of Ohio of its hazardous waste activities under RCRA.

3. Therefore, Count VI of the Complaint should allege that the Respondent is a generator of PCB waste who had previously notified EPA and the State of Ohio of its hazardous waste activities under RCRA, but failed to notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by April 4, 1990, in violation of 40 C.F.R. § 761.205(b), and Section 15 of TSCA, 15 U.S.C. § 2614.

WHEREFORE, Complainant hereby moves to amend Count VI of the Complaint by striking the existing language of ¶¶ 35 through 39 of the Complaint, and inserting the following language for ¶¶ 35 through 40 of the proposed Amended Complaint to read as follows, pursuant to 40 C.F.R. § 22.14(e):

35. The PCB rule at 40 C.F.R. § 761.205(b) requires that generators of PCB waste who have previously notified EPA or a State of hazardous waste activities under RCRA shall notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by no later than April 4, 1990.

36. The Respondent previously notified EPA and the State of Ohio of their hazardous waste activities under RCRA.

37. The Respondent conducted PCB waste activities under this part during 1983, 1984, 1985, 1986, 1987, 1988, 1990, and 1991.

38. The Respondent owned and operated PCB storage facilities during 1983, 1984, 1985, 1986, 1987, 1988, 1990, and 1991, which were subject to the storage requirements of 40 C.F.R. § 761.65(b) or (c)(7).

39. The Respondent failed to notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by April 4, 1990.

40. The Respondent's failure to notify EPA of their PCB waste activities under this part by filing EPA Form 7710-53 with EPA by April 4, 1990, constitutes a violation of 40 C.F.R. § 761.205(b), and Section 15 of TSCA, 15 U.S.C. § 2614.

Respectfully submitted,



Jeffery M. Trevino  
Assistant Regional Counsel  
Office of Regional Counsel  
Region 5  
U.S. Environmental Protection  
Agency  
77 West Jackson Blvd. (CA-29A)  
Chicago, Illinois 60604-3590  
(312) 886-6729.

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of	)	Docket No. TSCA-V-C-87-93.
	)	Judge Lotis
Marion Steel Company (The),	)	
	)	
Respondent.	)	

CERTIFICATE OF SERVICE

I hereby certify that I personally delivered to Marie A. Hook, Regional Hearing Clerk, 10th Floor, 77 W. Jackson Boulevard (MF-10J), Region 5, U.S. Environmental Protection Agency, Chicago, Illinois 60604-3590, the original document entitled, COMPLAINANT'S MOTION TO AMEND THE COMPLAINT in this action, and that I issued to the Court and Respondent by post-paid United States Mail to the following addresses copies of the original document:

The Honorable Jon G. Lotis  
Office of Administrative Law Judges  
U.S. Environmental Protection Agency  
Mail Code 1900  
401 M Street, S.W.  
Washington, D.C. 20460;

Mr. Stephen P. Samuels  
Samuels and Northrop Company, LPA  
Suite 816  
180 East Broad Street  
Columbus, Ohio 43215.

Aug. 29, 1988  
Dated

  
Jeffery M. Trevino  
Assistant Regional Counsel.